

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-3, 7-12, 14, 16, 21-28, 30, 32-33 and 35-36 are pending in the application, with claims 1, 16, 28, 32, 33, 35 and 36 being independent. Claims 1, 16, 28, 32, 33, 35 and 36 are currently amended. Claim 13 is currently canceled with the subject matter recited therein incorporated into the pending independent claims. The original disclosure supports the amendments, for example, paragraphs [0021] and [0057]. No new matter has been added. Favorable consideration is respectfully requested.

### **CITED REFERENCES**

The following references have been applied to reject one or more of the pending claims in the instant application:

- **Dunkle:** Dunkle, U.S. Patent No. 6,288,717
- **Uchiyama:** Uchiyama, U.S. Publication No. 2002/0065802

### **§ 102 REJECTION**

**Claims 1-3, 7-11, 14, 16, 21-22, 24-27, 29-30, 32-33 and 36** stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Dunkle. As mentioned above, the subject matter previously recited in canceled claim 13 has been incorporated into each of the pending independent claims. Therefore, Applicant shall address the Office's rejection with respect to

the aforementioned subject matter hereinbelow. Based on the following, Applicant respectfully requests reconsideration of the standing rejection.

Without conceding the propriety of the rejection and in the interest of expediting allowance of the application, **independent claims 1, 16, 32, 33 and 36** are amended herein to address the standing rejection.

**Independent claim 1**, as currently presented, partially recites:

...a profile component to populate and store the profile of the user and to indicate the user's selection of the one or more of the plurality of user interface buttons for viewing by the user or other users, wherein dissemination of at least a portion of the profile of the user is selective and controlled by the user.

**Independent claim 16**, as currently presented, partially recites:

...disseminating at least a portion of the user profile to the other users, the dissemination of the user profile being selected and controlled by the user.

**Independent claim 32**, as currently presented, partially recites:

...a profile component to populate and store a profile of the user to indicate the user's selection of the one or more of the plurality of user interface buttons for viewing by the user or others, wherein dissemination of at least a portion of the profile of the user is selective and controlled by the user.

**Independent claim 33**, as currently presented, partially recites:

...means for disseminating at least a portion of the user profile to the other users, the dissemination maintained and controlled by the user.

**Independent claim 36**, as currently presented, recites:

...a profile component to populate and store the profile of the user, indicating the user's selection of the one or more of the plurality of user interface buttons for viewing by the user or other users, wherein dissemination of at least a portion of the profile of the user is selective and controlled by the user.

Applicant respectfully submits that Dunkle does not anticipate, at least, the above features of the pending independent claims. In framing its argument before the current amendments, the Office acknowledges that Dunkle does not disclose the subject matter recited in claim 13 (currently canceled with the subject matter recited therein incorporated into each of the pending independent claims) and looks to the added teachings of Uchiyama to rectify the deficiency of Dunkle relative to the pending claims, (Final Office Action, pp. 8-9). However, as further detailed below, Applicant respectfully submits that the teachings of Uchiyama fail to teach or suggest the features of the rejected claims.

Uchiyama discloses a technique of gathering and collecting data from a broad range of remote sources and aggregating the data at a server, (Uchiyama, Abstract). The collected data is further organized into a profile for a user which contains information regarding the particular user's preferences, browsing habits, etc., (Uchiyama, [0014]). Based on this data, future searches may provide customized results reflecting the user's particular interests. The Office attempts to apply the teachings of the profiles featured in Uchiyama with the aforementioned features of the user profiles in the rejected claims. But, Applicant respectfully submits that Uchiyama fails to disclose the dissemination and sharing features of the profiles currently featured in the pending independent claims.

Indeed, Uchiyama provides an example application of its technique as follows:

In the situation where two users conduct a search with the query term or keyword “automobile,” for example, the two users may not have the same types of automobiles in mind. The first user may favor sports cars, and thus there may be data in the first user’s profile concerning auto racing, driving schools, and a sports car driver’s club; the second user, on the other hand, may favor sport utility vehicles, as evidenced by records in the second user’s profile concerning 4-wheel drive vehicles and maps of the best places to drive a sport utility vehicle off-road. Given the identical keyword “automobile,” the first user’s search results may have sports car related hits ranked with higher relative priority or weight, while the second user’s search results may have sport utility vehicle related hits ranked with higher relative priority. Such a search strategy reflects each person’s individual profile data, and may provide the search results in order of decreasing relevance with respect to each searching user’s unique profile data, for example.

**As alluded to earlier, search results will improve as the user’s profile becomes more comprehensive, and as more data is added to the database.** For example, if the sports car enthusiast’s preferences for Ferraris becomes part of the profile, search results will tend to focus on those particular sports cars, or very expensive cars, or Italian sports cars.

(Uchiyama, [0093] – [0094]) (emphasis added).

Based on this exemplary excerpt, the technique disclosed in Uchiyama wholly relies upon the continued availability and access of data in the user’s profile to improve the customization of its search results. A profile with greater information contained therein regarding the user provides for better search results. Accordingly, nothing in Uchiyama addresses controlling the dissemination or selectively sharing the information contained in the profiles by the user, as featured in the subject claims. This is because, *inter alia*, allowing a user to control access to portions of content in her profile defeats the purpose of the enhanced searching techniques taught in Uchiyama since it contemplates access to her complete profile and not portions thereof to fully appreciate the search results. As the aforementioned excerpt

of Uchiyama illustrates, the term “automobile” may have wholly different meanings to separate users, based on the information contained in their respective profiles. Not having full access to the contents of the profile can easily change the search capabilities disclosed in Uchiyama.

Therefore, based on the foregoing, Applicant respectfully submits that Dunkle does not anticipate the current features of the pending independent claims. Applicant further submits that Dunkle and Uchiyama, alone or in combination, fail to teach or suggest the present features of the pending independent claims.

The remaining claims depend from one of the previously mentioned pending independent claims and are allowable by virtue of this dependency, as well as for additional features that they each recite. Applicant also respectfully requests individual consideration of each dependent claim.

### **§ 103 REJECTION**

#### **Claims 12-13, 28 and 35**

**Claims 12-13, 28 and 35** stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Dunkle in view of Uchiyama. As mentioned previously, claim 13 is currently canceled with the subject matter previously recited therein incorporated into the pending independent claims. Therefore, the standing rejection with respect to claim 13 is moot and the subject matter previously recited therein is discussed hereinabove. Based on the following, Applicant respectfully requests reconsideration of the standing rejection.

Claim 12 depends from independent claim 1 and therefore includes the features discussed hereinabove. As fully discussed above, the cited combination of Dunkle and

Uchiyama fails to teach or suggest, at least, the features of the profile component as presently recited. This is because, *inter alia*, both Dunkle and Uchiyama do not feature the dissemination element of claim 1, which is included in claim 12.

With respect to independent claims 28 and 35, these claims recite features consistent with the other independent claims, but differ in scope. For the same reasons as detailed above, Applicant respectfully submits that independent claims 28 and 25, as currently recited, are also patentable over the combination of Dunkle and Uchiyama.

#### Claim 23

**Claim 23** stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Dunkle and the Office's purported Official Notice. Based on the following, Applicant respectfully requests reconsideration of the standing rejection.

Claim 23 ultimately depends from independent claim 16, and therefore includes the features recited therein. As fully discuss above, Dunkle fails to describe and/or disclose the features of claim 16, which is also included in claim 23. Moreover, without conceding the appropriateness of the Official Notice issued by the Office, Applicant respectfully submits that the subject matter purportedly at issue in the Official Notice fails to rectify the aforementioned deficiency of Dunkle, relative to independent claim 16 and claim 23.

Thus, Dunkle and the Office's Official Notice, alone or in combination, fail to teach or suggest the features of the subject claim. Therefore, Applicant respectfully submits that claim 23 is patentable over the currently cited reference and the Official Notice.

## **CONCLUSION**

For at least the foregoing reasons, it is respectfully submitted that claims 1-3, 7-12, 14, 16, 21-28, 30, 32-33 and 35-36 are in condition for allowance and a Notice to that effect is earnestly solicited. However, if there are any remaining matters that may be handled by a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

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